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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,471	04/29/2005	Toshio Yamagiwa	SIP-138-A	9423

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EXAMINER

LAI, ANNE VIET NGA

ART UNIT	PAPER NUMBER
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2612

NOTIFICATION DATE	DELIVERY MODE
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08/20/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/533,471	Applicant(s) YAMAGIWA, TOSHIO	
	Examiner ANNE V. LAI	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-14,16,20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-14,16,20 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Status of claims

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/21/2009 has been entered.

Claims 1, 3, 5-14, 16, 20-21 are currently pending in this case. Claims 2-4, 15 and 17-19 are cancelled.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 and 5-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tamai** [US 7,031,946] in view of **Vock et al** [US 2003/0163287] or **Didomenico et al** [US 7,164,132] (all previously provided).

In claim 1, **Tamai** discloses an IC tag equipped motorcycle (col. 33, l. 65-col. 34, l. 18), comprising:

an element formed of a resin material having transmissivity to electromagnetic waves (col. 17, l. 15-20; col. 31, l. 41-45); and

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an IC tag integrated with the element including an ID code registered therein; the IC tag comprises elements as claimed (CPU, antenna, modem, memory with rewritable area and rewrite-protect area) (figs. 15-16; Construction of the Radio IC tag 80, Section 1.5, col. 17, l. 15 -col. 22, l. 52; motorcycle, col. 34, l. 2).

Tamai discloses the IC tag can be attached to the reverse side of a logotype or attached inside a product (col. 31, l. 46-53) for not being noticeable from the outside, and prevent the appearance of the product from being ruined (col. 34, l. 10-18); Tamai does not specify location of the IC tag on the motorcycle meter panel.

Vock et al teach an IC tag (RFID tag, par 280) housed in a case of a meter unit (a movement monitoring device MMD, housing 372 in fig. 19) (accelerometer sensor, speed sensor, tachometer, etc., figs. 33, 43), the case could be place behind a bicycle seat (fig. 21), on a bicycle frame (fig. 41), or attached to a vehicle or a motorcycle (par. 273); and the case is made from injection molded urethane plastic (par. 278-280).

Didomenico et al teaches a transponder tag can be affixed to a vehicle at various locations of choice, on the dashboard or integrated within a vehicle part, and the transponder tag may transmit information about the vehicle and about the owner of the vehicle (col. 9, l. 8-24).

See also **Yamamoto et al** [US 6,332,572], a transponder tag 200 is embedded in the reverse side of an instrument panel of a motor vehicle (fig. 6, col. 6, l. 63-67).

See also **Shimura** [US 6,547,128] affixing a transponder tag 10 inside a case 2 of a hub odometer 1. The transponder transmits vehicle ID and measuring data in response to an interrogation from a remote unit (col. 3, l. 12-65 and figs. 1-3).

It would have been obvious attaching an IC tag on a back surface of a meter panel could

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be one of a choice to prevent being noticeable from the outside, or to prevent appearance of the product from being ruined or to protect the tag from being damage.

In claim 5, Tamai discloses the tag is molded in resin (col. 17, l. 15-20).

In claim 6, Vock et al teaches the IC tag is embedded in a plastic case of a monitoring device (paragraphs 213, 272-285).

In claims 7-14, Tamai discloses memory unit 216 has an unprotected unit (rewritable) 301 and a protected unit 302. The unprotected unit comprising areas for storing activities regarding manufacturing stage, distribution stage, sale stage, service stage, collection/recycling stage (col. 17, l. 49- col. 18, l. 46, col. 33, l. 19-col. 36, l. 18), therefore the claimed invention would have been obvious.

4. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Tamai** combined of claim 1 in view of **Takashima** [US 6,352,045] (previously provided).

In claim 16, Tamai does not specify the claimed element disposed near a steering handle of the motorcycle. Didomenico et al teaches a transponder tag can be affixed to a vehicle at any location of choice col. 9, l. 8-24. Vock et al teaches a smart sensor in the form of adhesive bandage to stick to objects of people of choice (abstract). **Takashima** teaches a transponder tag 58 embedded in a resin material and engaged in a mounting portion 64 near the handlebar of a watercraft motorcycle (col. 4, l. 7-65). It would have been obvious an IC tag could be attached to an object at any place of choice for best communication and protection of the tag.

5. Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tamai** in

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view of **Vock et al** (all previously provided) and further in view of **Michael et al** [US 2003/0088442] and **Berquist et al** [US 2002/0185532] (all previously provided).

In claims 20-21, **Tamai** discloses a management system using an IC tag equipped motorcycle (Life cycle management system, figures 4-5) (IC tag on motorcycle, col. 34, l. 2-18), comprising:

a host server 60, a terminal 30a-30e (mobile phone, portable terminal, management device) communicates with each other via a network (Internet 30), and a database 61 (fig. 5);

the terminal 30a-30e comprising devices for wireless reading the motorcycle ID (reader/writer), transmitting the ID and authorized access ID to the host server, receiving and updating information from and to the host server ;

the host server 60 comprising devices for verifying authorized access ID, searching database to extract selected tag information, transmitting information to the terminal, receiving tag information and updating tag information to the database (figs. 21-25);

the IC tag comprising a CPU, an antenna, a controller, a modem, a memory including write protected areas and rewritable areas (figs. 15-16; Construction of the Radio IC tag 80, Section 1.5, col. 17-col. 22; motorcycle, col. 34, l. 2).

the IC tag is integrated with an element formed of a resin material (**Tamai**, col. 17, l. 15-20) that could dispose behind a seat of the motorcycle (**Vock et al**, fig. 21).

See also **Calandruccio** [US 5,955,965] (previously provided), figures 1 and 2 for ID transponder (5, 9) under a seat frame (11, 13) or under a steering handle frame (7, 11).

Tamai discloses a plurality of management subsystem (20a-20e, fig. 4); each comprises a database subsystem for updating information. Each management subsystem has its own data

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controller for managing tag information. Although not specified, data updated from one subsystem is preferred to update as needed to other system for effective management. For example **Michael et al** teach an inventory management system where main database and local database updates are synchronized (par. 116). **Berquist et al** teach an inventory database may be updated either continuously or periodically (par. 37).

Response to Arguments

6. Applicant's arguments filed July 21st, 2009 have been fully considered but they are not persuasive.

7. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ratnakar [US 2006/0202862], a vehicle RF tag stores owner's name (par. 21).

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Yamagiwa [US 7,522,881], a tag attached inside a vehicle seat.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANNE V. LAI whose telephone number is (571)272-2974. The examiner can normally be reached on 9:00 am to 6:30 pm, Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wu Daniel can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/AVL/

/Daniel Wu/
Supervisory Patent Examiner, Art Unit 2612